

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01860-RDM**

BRENNAN CENTER FOR JUSTICE AT NEW YORK
UNIVERSITY SCHOOL OF LAW et al v. UNITED STATES
DEPARTMENT OF JUSTICE
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 08/08/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**BRENNAN CENTER FOR JUSTICE
AT NEW YORK UNIVERSITY
SCHOOL OF LAW**

represented by **Claire E. Addis**
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Plaintiff

CHARLES KURZMAN

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Tamara Livshiz
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Marc Wolinsky
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V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Brian J. Field**
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TERMINATED: 09/30/2019

Date Filed	#	Docket Text
08/08/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5627390) filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, Charles Kurzman. (Attachments: # <u>1</u> Exhibit 1-6, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Wolinsky, Marc) (Entered: 08/08/2018)
08/08/2018		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 08/08/2018)
08/08/2018	<u>2</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set out in the attached Standing Order. Signed by Judge Randolph D. Moss on 8/8/2018. (lcrdm2,) (Entered: 08/08/2018)
08/10/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 08/10/2018)
08/20/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/20/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/19/2018. (Wolinsky, Marc) (Entered: 08/20/2018)
08/20/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/20/2018. (Wolinsky, Marc) (Entered: 08/20/2018)
08/20/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 8/20/2018 (Attachments: # <u>1</u> Supplement Proof of Service on Civil Docket Clerk, US Department of Justice)(Wolinsky, Marc) (Entered: 08/20/2018)
09/18/2018	<u>7</u>	NOTICE of Appearance by Matthew Evan Kahn on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Kahn, Matthew) (Entered: 09/18/2018)
09/18/2018	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Kahn, Matthew) (Entered: 09/18/2018)

09/19/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on October 5, 2018, at 10:30 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 9/19/2018. (lcrdm2,) (Entered: 09/19/2018)
09/20/2018		Set/Reset Hearings: Initial Scheduling Conference set for 10/5/2018, at 10:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 09/20/2018)
09/20/2018	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jonathan M. Moses, :Firm– Wachtell, Lipton, Rosen & Katz, :Address– 51 West 52nd Street, New York, NY 10019. Phone No. – 212–403–1000. Fax No. – 212–403–2000 Filing fee \$ 100, receipt number 0090–5698987. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN (Wolinsky, Marc) (Entered: 09/20/2018)
09/20/2018	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Claire E. Addis, :Firm– Wachtell, Lipton, Rosen & Katz, :Address– 51 West 52nd Street, New York, NY 10019. Phone No. – 212–403–1000. Fax No. – 212–403–2000 Filing fee \$ 100, receipt number 0090–5698998. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN (Wolinsky, Marc) (Entered: 09/20/2018)
09/25/2018		MINUTE ORDER: Upon consideration of the Motions for Leave to Appear Pro Hac Vice <u>9</u> , <u>10</u> , it is hereby ORDERED that the motions are GRANTED. Jonathan M. Moses and Claire E. Addis may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 9/25/2018. (lcrdm2,) (Entered: 09/25/2018)
10/05/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 10/5/2018. For the reasons stated on the record, the parties shall file a Joint Status Report by 10/19/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/05/2018)
10/19/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Kahn, Matthew) (Entered: 10/19/2018)
10/19/2018		MINUTE ORDER: In light of the parties' joint status report, it is hereby ORDERED that the following briefing schedule shall govern: Defendant shall file its motion for summary judgment on or before December 7, 2018; Plaintiff shall file a combined opposition and cross–motion for summary judgment on or before January 11, 2019; Defendant shall file a reply/opposition on or before February 8, 2019; and Plaintiff shall file a reply on or before March 8, 2019. Signed by Judge Randolph D. Moss on 10/19/2018. (lcrdm2,) (Entered: 10/19/2018)
10/19/2018	<u>12</u>	ENTERED IN ERROR.....PROPOSED BRIEFING SCHEDULE by UNITED STATES DEPARTMENT OF JUSTICE; (See docket entry no. <u>11</u> to view. (ztd) Modified on 10/23/2018 (znmw). (Entered: 10/22/2018)
10/22/2018		Set/Reset Deadlines: Defendant shall file its motion for summary judgment on or before 12/7/2018; Plaintiff shall file a combined opposition and cross–motion for summary judgment on or before 1/11/2019; Defendant shall file a reply/opposition on or before 2/8/2019; and Plaintiff shall file a reply on or before 3/8/2019. (kt) (Entered: 10/22/2018)
12/07/2018	<u>13</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Statement of Facts, # <u>3</u> Proposed Order)(Kahn, Matthew) (Entered: 12/07/2018)
01/08/2019	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Tamara Livshiz, :Firm– Wachtell, Lipton, Rosen & Katz, :Address– 51 West 52nd Street. Phone No. – 212 403–1152. Fax No. – 212 403–2000 Filing fee \$ 100, receipt number 0090–5877215. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN (Wolinsky, Marc) (Entered: 01/08/2019)
01/11/2019	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF

		LAW, CHARLES KURZMAN. (Attachments: # <u>1</u> Declaration Kurzman, # <u>2</u> Declaration Patel, # <u>3</u> Text of Proposed Order)(Wolinsky, Marc) (Entered: 01/11/2019)
01/11/2019	<u>16</u>	Cross MOTION for Summary Judgment by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN (Attachments: # <u>1</u> Declaration Kurzman, # <u>2</u> Declaration Patel, # <u>3</u> Text of Proposed Order)(Wolinsky, Marc) (Entered: 01/11/2019)
01/22/2019		MINUTE ORDER: Upon consideration of the motion for leave to appear pro hac vice, Dkt. <u>14</u> , it is hereby ORDERED that the motion is GRANTED. Tamara Livshiz may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 1/22/2019. (lcrdm2,) (Entered: 01/22/2019)
02/08/2019	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF JUSTICE (Kahn, Matthew) (Entered: 02/08/2019)
02/10/2019		MINUTE ORDER: Upon consideration of Defendant's consent motion for an extension of time, Dkt. 17, it is hereby ORDERED that the motion is GRANTED. Defendant shall file a combined reply in support of Defendant's motion for summary judgment and opposition to Plaintiffs' cross-motion for summary judgment on or before February 15, 2019. Signed by Judge Randolph D. Moss on 2/10/2019. (lcrdm2,) (Entered: 02/10/2019)
02/11/2019		Set/Reset Deadlines: Defendant shall file a combined reply in support of Defendant's motion for summary judgment and opposition to Plaintiffs' cross-motion for summary judgment on or before 2/15/2019. (kt) (Entered: 02/11/2019)
02/12/2019	<u>18</u>	ERRATA by UNITED STATES DEPARTMENT OF JUSTICE <u>17</u> Consent MOTION for Extension of Time to File Response/Reply filed by UNITED STATES DEPARTMENT OF JUSTICE. (Kahn, Matthew) (Entered: 02/12/2019)
02/14/2019		MINUTE ORDER: In light of Defendant's notice of errata, Dkt. 18, it is hereby ORDERED that Defendants Reply to Plaintiffs Opposition to Defendants Motion for Summary Judgment and Response to Plaintiffs Cross-Motion for Summary Judgment shall be due on or before February 15, 2019; and Plaintiffs Reply to Defendants Response to Plaintiffs Cross Motion for Summary Judgment shall be due on or before March 15, 2019. Signed by Judge Randolph D. Moss on 2/14/2019. (lcrdm2,) (Entered: 02/14/2019)
02/15/2019		Set/Reset Deadlines: Plaintiffs Opposition to Defendants Motion for Summary Judgment and Response to Plaintiffs Cross-Motion for Summary Judgment shall be due on or before 2/15/2019; Plaintiffs Reply to Defendants Response to Plaintiffs Cross Motion for Summary Judgment shall be due on or before 3/15/2019. (kt) (Entered: 02/15/2019)
02/15/2019	<u>19</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Appendix Table of Contents, # <u>2</u> Appendix Table of Authorities, # <u>3</u> Memorandum in Support Memorandum, # <u>4</u> Statement of Facts Response to Plaintiffs' Statement of Undisputed Material Facts)(Kahn, Matthew) Modified text on 2/19/2019 (ztd). (Entered: 02/15/2019)
02/15/2019	<u>20</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (See docket entry <u>19</u> to view.) (ztd) (Entered: 02/19/2019)
02/28/2019	<u>21</u>	ENTERED IN ERROR..... ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Kahn, Matthew); Modified on 3/1/2019 (tth). (Entered: 02/28/2019)
03/01/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>21</u> Answer to Complaint was entered in error at the request of counsel. Said pleading was filed in the wrong case. (tth) (Entered: 03/01/2019)
03/15/2019	<u>22</u>	REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN. (Wolinsky, Marc) (Entered: 03/15/2019)

03/15/2019	23	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW, CHARLES KURZMAN. (See Docket Entry <u>22</u> to view document). (znmw) (Entered: 03/18/2019)
09/30/2019	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Brian J. Field on behalf of All Defendants Substituting for attorney Matthew Kahn (Field, Brian) (Entered: 09/30/2019)
11/25/2019		MINUTE ORDER: Upon consideration of the pending cross-motions for summary judgment, Dkt. 13; Dkt. 16, the Court has several questions regarding the adequacy of the existing record. In the interest of expediting resolution of these questions and the pending cross-motions, the Court will not schedule oral argument but will, instead, hold a telephonic conference with the parties. Accordingly, it is hereby ORDERED that the parties shall appear by telephone for a conference today, November 25, 2019, at 3:30p.m. Counsel are advised to contact the deputy clerk for instructions on how to appear telephonically. Signed by Judge Randolph D. Moss on 11/25/2019. (lcrdm2,) (Entered: 11/25/2019)
11/25/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephone Conference held on 11/25/2019. Defendant's supplemental declaration, and a brief legal submission as to Exemption 7, are due by 12/9/2019; Plaintiffs' response to Defendant's supplemental declaration, a brief legal submission as to Exemption 7, and any supplemental declaration as to public interest, are due by 12/23/2019. (Court Reporter: Jeff Hook.) (kt) (Entered: 11/25/2019)